

United States Bankruptcy Court
District Of Nevada

In re:

JOSHUA SCOTT MITCHELL AND
STEPHANIE JUDITH MITCHELL,

Debtors

Case No. BK-S-07-16226-LBR
Chapter 7

**STATEMENT OF ISSUES TO BE PRESENTED ON APPEAL
UNDER FED. R. BANKR. P. 8006**

Did the Bankruptcy Court commit legal error when it denied Mortgage Electronic Registration Systems, Inc.'s (MERS) motion to lift stay based on lack of standing? Resolution of this question involves the following issues:

1. Whether the Bankruptcy Court committed legal error when it concluded that MERS cannot be a beneficiary.
2. Whether the Bankruptcy Court committed legal error when it concluded that MERS may not bring a motion for relief from stay as a beneficiary or nominee of the beneficial owner.
3. Whether the Bankruptcy Court committed legal error when it concluded that MERS may not bring a motion for relief from stay as an agent of MERS members or in its own right.

Dated: April 20, 2009

Signed: /s/ Jeffrey A. Silvestri
Jeffrey A. Silvestri, Esq. (#5779)
Ryan J. Works, Esq. (#9224)
Address: McDonald Carano Wilson LLP
2300 West Sahara Avenue – Suite 1000
Las Vegas, NV 89102
Telephone No: 702-873-4100
Attorney for Appellant, Mortgage Electronic Registration Systems, Inc.